

12/05/94 VACATION OF UTILITY/DRAINAGE  
EASEMENT, Lot 6, Blk 5, South  
Garden Estates 3rd Addn.  
(7120 West Shore Dr)

Easvac 12.544



City of Edina

October 3, 2001

Mr. Jerry Gilligan  
Dorsey & Whitney  
220 South 6<sup>th</sup> Street  
Minneapolis, MN 55402-1498

RE: Notice of Completion for street vacation – West Shore Drive

Dear Tracy:

I am enclosing two Notices of Completion for a the City Council approved on December 5, 1994. The requestor had some work to finish before they could be completed. That is the reason for the lateness of preparing the notice of completion. Please have the Notice of Completion entered in the transfer record of the county Auditor and filed with the County Recorder and then return the recorded documents to me.

I will have Mayor Maetzold sign the vacation resolution on Tuesday and send it to you Wednesday, along with the resolution for the final plat and both staff reports. If you need further documents, please call. Thank you for your cooperation.

Sincerely,

Debra A. Mangen  
City Clerk

Enclosures: (2)

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF  
EASEMENT FOR UTILITY AND DRAINAGE  
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on December 8, 1994, adopted a Resolution Vacating the Easement for Drainage and Utility Purposes after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes:

**The southern five feet of Lot 6, Block 9, SOUTH GARDEN ESTATES 3RD ADDITION,  
Hennepin County, Minnesota, except for the westerly five feet thereof.**

The time of completion of proceedings and the effective date of said vacation is 8<sup>th</sup> day of December, 1994.

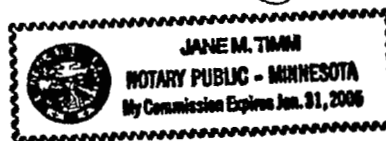
BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

*Debra A. Mangen*  
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this  
3 day of October, 2001.

This document was drafted by:  
City of Edina  
4801 West 50th Street  
Edina, MN 55424

*Jane M. Timm*  
Notary Public





David J. Melroe  
Bremer Financial  
Treasurer

Suite 2000 • 445 Minnesota Street  
St. Paul, Minnesota 55101-2107  
General: (651) 227-7621  
Direct: (651) 312-3713  
Fax: (651) 312-3550  
Email: [djmelroe@bremer.com](mailto:djmelroe@bremer.com)

Completion of  
proceedings for  
vacation.



October 1, 2001

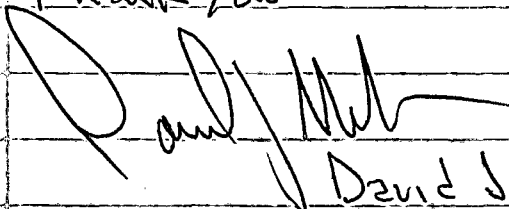
City of Edina

RE: Vacation of Utility easement  
7120 West Shore Drive  
David Melroe

I am in the process of refinancing my home - 7120 West Shore Drive, and it has a title problem relating to a utility easement. The easement was for a light post on West Shore Drive and Dunham, I purchased and NSP installed a light pole and moved the power line off my property four years ago!

Please update the records and vacate the utility easement on my property at  
7120 West Shore Drive  
Edina, Minn

Thank You



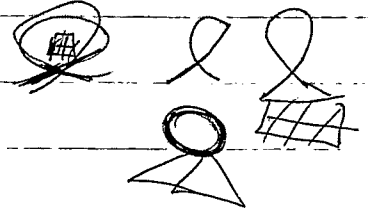
David J. Melroe

Home 926-9736

Bus 651-312-3713

P.S. I had requested that this be done several years ago!

282-9713 Dave Melroe 7/20 W Shore  
- built garage in 94-95  
- vacated by City  
- Rebecca Ruddy



Gave # to Greg Higgins

10:08 left Fran message

called & told him to call  
Stu Fraser at USA  
829-4504

10:25 Dave Melroe talked to  
Stu Fraser & everything is fine  
I told him that when I received  
an uruguay from  
told him to talk to Fran  
& Stu

1/24/95

Per call from Stu Fraser (NSP) —  
at the time of this hearing NSP had  
contact with Roger Strong (Plumbline Builders)  
re relocating overhead lines at owner's expense.  
NSP had prepared an agreement to that effect.  
NSP has had no further contact with builder.

Do not complete vacation until NSP confirms  
that lines have been moved

M. Decker

Craig Zinter

craigz@bitstream.net

Mayor Richards stated there was a motion on the floor to set the hearing date for January 3, 1994, and called for vote thereon.

Ayes: Kelly, Paulus, Rice, Smith, Richards

Motion carried.

**\*LOT DIVISION GRANTED FOR LOT 9, BLOCK 1, SIOUX TRAIL FOURTH ADDITION (6917-19 MCCAULEY TRAIL)** Motion was made by Member Paulus and was seconded by Member Smith for adoption of the following resolution:

**RESOLUTION**

**WHEREAS**, the following described property is at present a single tract of land:

Lot 9, Block 1, Sioux Trail Fourth Addition

**WHEREAS**, the owners have requested the subdivision of said tract into separate parcels (herein called "Parcels") described as follows:

**PARCEL A:**

That part of Lot 9, Block 1, SIOUX TRAIL FOURTH ADDITION, which lies northerly of a line drawn between a point on the easterly line of said Lot 9, distant 55.96 feet northwesterly of the southeast corner of said Lot 9 as measured along the easterly line of said Lot 9, and a point on the westerly line of said Lot 9 distant 53.11 feet northwesterly of the southwest corner of said Lot 9 as measured along the westerly line of said Lot 9.

**PARCEL B:**

That part of Lot 9, Block 1, SIOUX TRAIL FOURTH ADDITION, which lies southerly of a line drawn between a point on the easterly line of said Lot 9, distant 55.96 feet northwesterly of the southeast corner of said Lot 9 as measured along the easterly line of said Lot 9, and a point on the westerly line of said Lot 9 distant 53.11 feet northwesterly of the southwest corner of said Lot 9 as measured along the westerly line of said Lot 9.

**WHEREAS**, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said Parcels as separate tracts of land do not interfere with the purposes of the Subdivision and Zoning Regulations as contained in the City of Edina Code Sections 810 and 850. **NOW, THEREFORE**, it is hereby resolved by the City Council of the City of Edina that they conveyance and ownership of the above described Parcels as separate tracts of land is hereby approved and the requirements and provisions of Code Section 810 and Code Section 850 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Section 810 and Code Section 850 and subject to the limitations set out in Code Section 850 and said ordinances are not waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent ordinances of the City of Edina or with the prior approval of this Council as made be provided for by ordinances of the City of Edina or with the prior approval of this Council as may be provided for by those ordinances.

**ADOPTED** this 5th day of December, 1994.

Motion carried on rollcall vote - four ayes.

**VACATION OF UTILITY AND DRAINAGE EASEMENT GRANTED FOR LOT 6, BLOCK 9, SOUTH GARDEN ESTATES ADDITION**

**Presentation by Engineer**

Engineer Hoffman informed the Council that the property owner of Lot 6, Block 9, South Garden Estates 3rd Addition (7120 West Shore Drive) has petitioned for vacation of a sideyard utility and drainage easement for the purpose of constructing a garage addition. Staff has reviewed the request and would recommend vacation of the easement except for the westerly five feet. Also, staff would recommend that the street light be moved per request of Northern



States Power so that the power line will not be over the new garage addition.

Mayor Richards called for public comment on the vacation request. No comment or objection was heard.

Member Rice moved adoption of the following resolution, subject to the property owner relocating street light per Northern States Power Company request:

**RESOLUTION VACATING EASEMENT  
FOR UTILITY AND DRAINAGE PURPOSES**

WHEREAS, a resolution of the City Council, adopted the 7th day of November, 1994, fixed a date for a public hearing on a proposed vacation of an easement for utility and drainage purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 5th day of December, 1994, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City council of the City of Edina, Hennepin County, Minnesota, that the following described portion of the utility and drainage easement be and is hereby vacated effective as of December 8, 1994:

The southern five feet of Lot 6, Block 9, SOUTH GARDEN ESTATES 3RD

ADDITION, Hennepin County, Minnesota, except for the westerly five feet thereof.

The City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Motion was seconded by Member Paulus.

Rollcall:

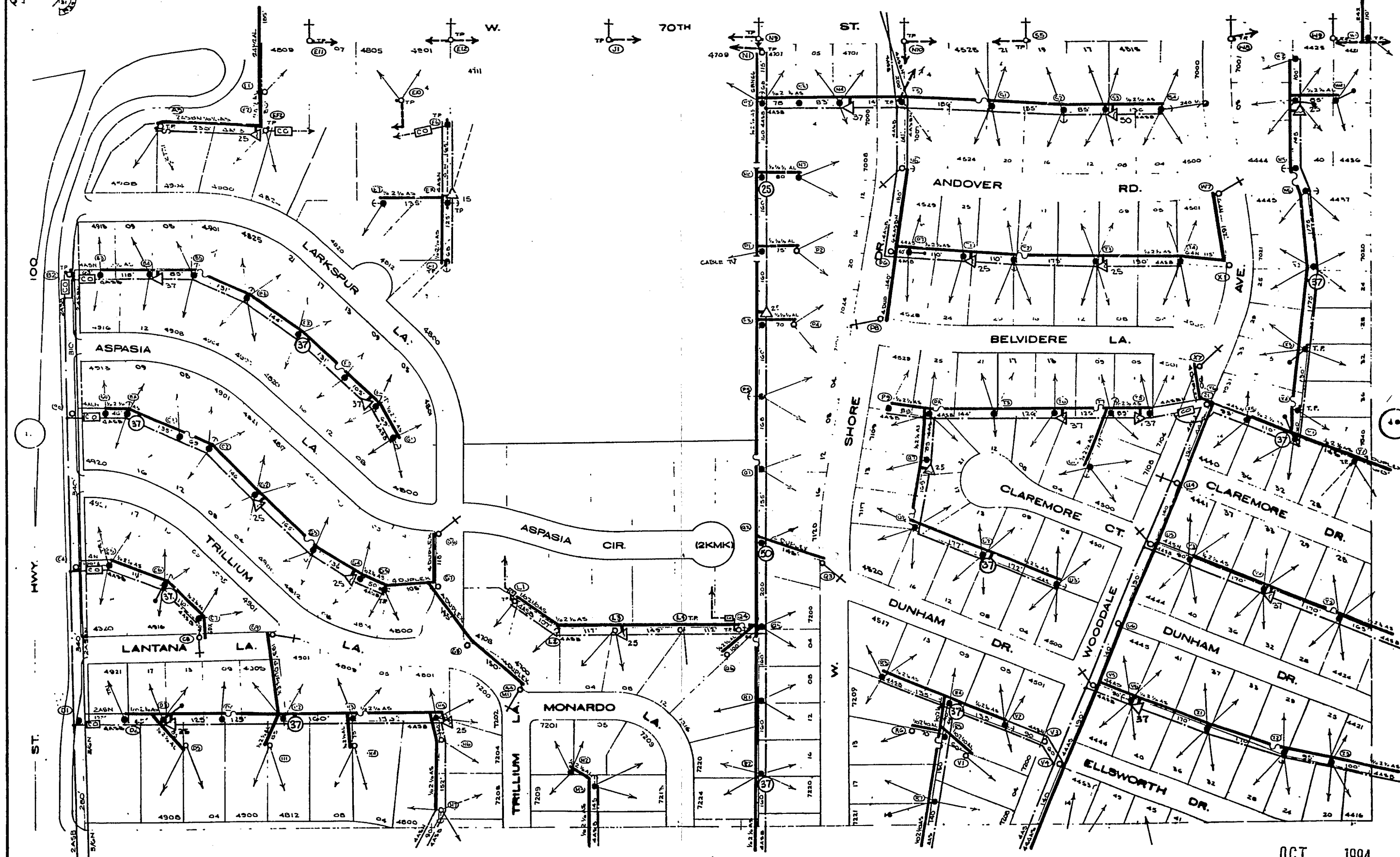
Ayes: Kelly, Paulus, Rice, Smith, Richards

Resolution adopted.

**FIRST READING GRANTED FOR ORDINANCE NO. 1994-11 - AN ORDINANCE AMENDING CODE SECTION 300 TO ALLOW THE ANIMAL CONTROL OFFICER TO DECLARE A DOG TO BE**

**POTENTIALLY DANGEROUS** Assistant Manager Hughes recalled that public hearings have been held on two occasions during the past year concerning potentially dangerous dogs. A finding by the Council that a dog is "potentially dangerous" does not impose any restrictions on the dog or its owner. However, if such a dog thereafter bites or attacks a person or domestic animal, the Council, after conducting a public hearing, could then declare the dog to be a "dangerous dog". If the dog is found to be "dangerous" State Law requires that the dog be registered, confined indoors or in a pen. A warning sign must be posted on the premises and the owner must obtain a surety bond or liability insurance coverage.

After reviewing the requirements of state law, and the practices of other cities, staff would recommend adoption of Ordinance No. 1994-11. The Ordinance amendment would allow the Animal Control Officer to designate a dog as "potentially dangerous". In that this designation carries with it no sanctions or penalties, we believe an administrative process, rather than a formal Council hearing, is more appropriate. The ordinance amendment requires Council hearing and action in order to upgrade the designation from "potentially dangerous" to "dangerous".



1/23 left call  
re status

S. Fraser  
829-4504

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input checked="" type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: Subject to OH lines being relocated at  
customers expense (Street light wire)

LOCATION: LOT 5, BLOCK 9, SOUTH GARDEN ESTATES 3RD ADDITION  
(7120 West Shore Drive, Edina, MN)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424



City of Edina

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
ON VACATION OF UTILITY AND DRAINAGE EASEMENT  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on December 5, 1994, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following utility and drainage easement:

The southern 5 feet of Lot 6, Block 9, SOUTH GARDEN ESTATES 3RD ADDITION, Hennepin County, Minnesota.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

11/16/94

**LOT 5**

3.5 FOOT HIGH FENCE

EAST

138.74 P  
139.26 M

3.5 FOOT HIGH FENCE

FOUND IRON

FOUND IRON

5.88 5.85

26.9

54.7

EXISTING HOUSE

0.35

28.8

5.25

41.3

CONCRETE

NOT TANGENT

3.5 FOOT HIGH CHAINLINK FENCE

DRIVE

UNDERGROUND WATER PIPES

BITUMINOUS

DUMHAM DRIVE

S75°05'59"E

(VACATED)

CENTERLINE OF DUMHAM DR.

139.69P"  
140.21M

3.5 FOOT HIGH CHAIN LINK FENCE"

Δ = 04°58'47"  
R = 990.22  
L = 86.06  
CB=N2°29'29"E

N00°00'41"W

100.84

4 FOOT HIGH WOOD FENCE

DRAINAGE AND UTILITY EASEMENT

PP

5

5

21.2

14 DECK

13.2

14.5

8.2

36.1

36.64

3.5

5

FOUND IRON #9063

19.56M

9.20P

N00°04'13"E

FOUND IRON #9055

PRLP

30

31.38

S00°01'58"E

23 S.31 DBP 94259002.DWG

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

PUBLIC RIGHT OF WAY VACATION APPLICATION

Date Initiated 10-26-94

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way:

☐ Street ☐ Alley ☒ Utility Easement  
☒ Drainage Easement ☐ Other \_\_\_\_\_  
(describe)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? NO

Legal description of area proposed to be vacated:

Southern 5' OF Lot 6, Block 9,  
South Garden Estates 3rd Addition,  
Henon City, Mo.

Attached copy of scaled drawing showing in full detail the proposed vacation area.

Applicant DAVID + Jane Melroe  
(print name)  
Signature [Signature] Jane M. Melroe  
Address 7120 W. Shore Drive  
Edina, Mo.  
Telephone 926-9736

Fee: \$100.00

3800  
M.S. 412.851

Roger Strawn  
Plumbing Builders Inc.  
933-8493

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by G. H. Hoffmann ☒ Acceptable ☐ Opposed ☒ Conditional

MINNEGASCO by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

NSP by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

PARAGON CABLE by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

U.S. WEST by \_\_\_\_\_ ☐ Acceptable ☐ Opposed ☐ Conditional

CONDITIONS:

Reserve westaly Five feet .

LOCATION:

LOT 5, BLOCK 9, SOUTH GARDEN ESTATES 3RD ADDITION  
(7120 West Shore Drive, Edina, MN)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk  
City of Edina  
4801 W. 50th Street  
Edina, MN 55424



City of Edina

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

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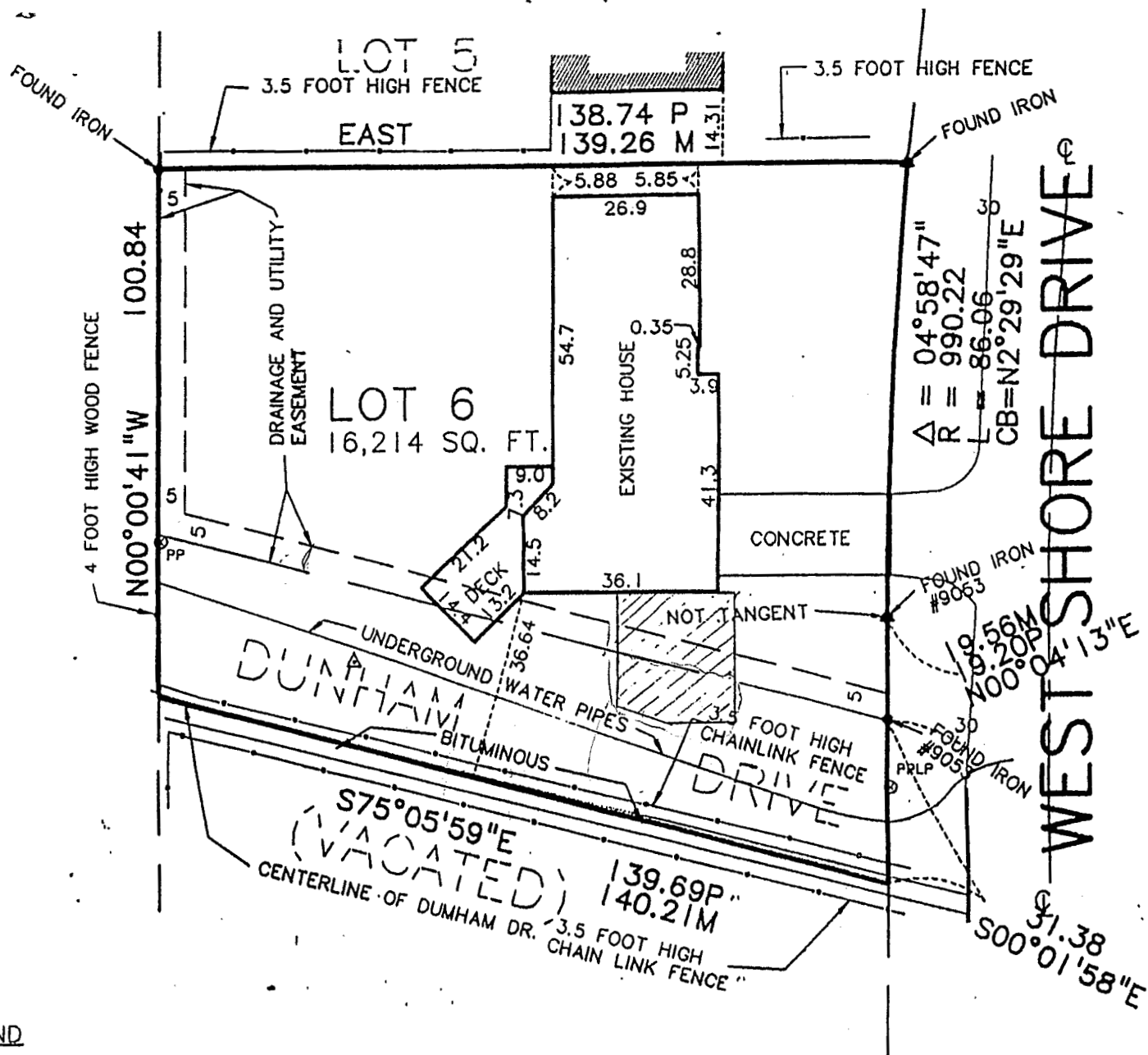
**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

11/16/94



title opinion.



#### LEGEND

Denotes powerpole  
Denotes powerpole/lightpole  
Denotes distance per plat of SOUTH GARDEN ESTATES 3RD ADDITION.  
Denotes distance as measured.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, from or on said land.

Dated this 27th day of October, 1994

SUNDE LAND SURVEYING, INC.

By: Edward H. Sunde  
Edward H. Sunde, R.L.S. Minn. Reg. No. 8

**Land Surveying Inc.**

9001 E. Bloomington Freeway (35W)  
Bloomington, MN 55420  
(612) 881-2455

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

PUBLIC RIGHT OF WAY VACATION APPLICATION

Date Initiated 10-26-94

TOTAL 100.00

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way:

☐ Street ☐ Alley ☒ Utility Easement  
☒ Drainage Easement ☐ Other \_\_\_\_\_  
(describe)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? NO

Legal description of area proposed to be vacated:

Southern 5' of Lot 6, Block 9,  
South Garden Estates 3rd Addition,  
Henn City, Mo.

Attached copy of scaled drawing showing in full detail the proposed vacation area.

Applicant DAVE + Jane Melroe  
(print name)  
Signature [Signature] Jane M. Melroe  
Address 7120 W. Shore Drive  
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Telephone 926-9736

Fee: \$100.00

3800  
M.S. 412.851

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933-8493

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by <u>Steve VanBuren</u> 11-21-94	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
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CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOCATION: LOT 5, BLOCK 9, SOUTH GARDEN ESTATES 3RD ADDITION  
(7120 West Shore Drive, Edina, MN)  
\_\_\_\_\_

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U.S. WEST by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

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\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_

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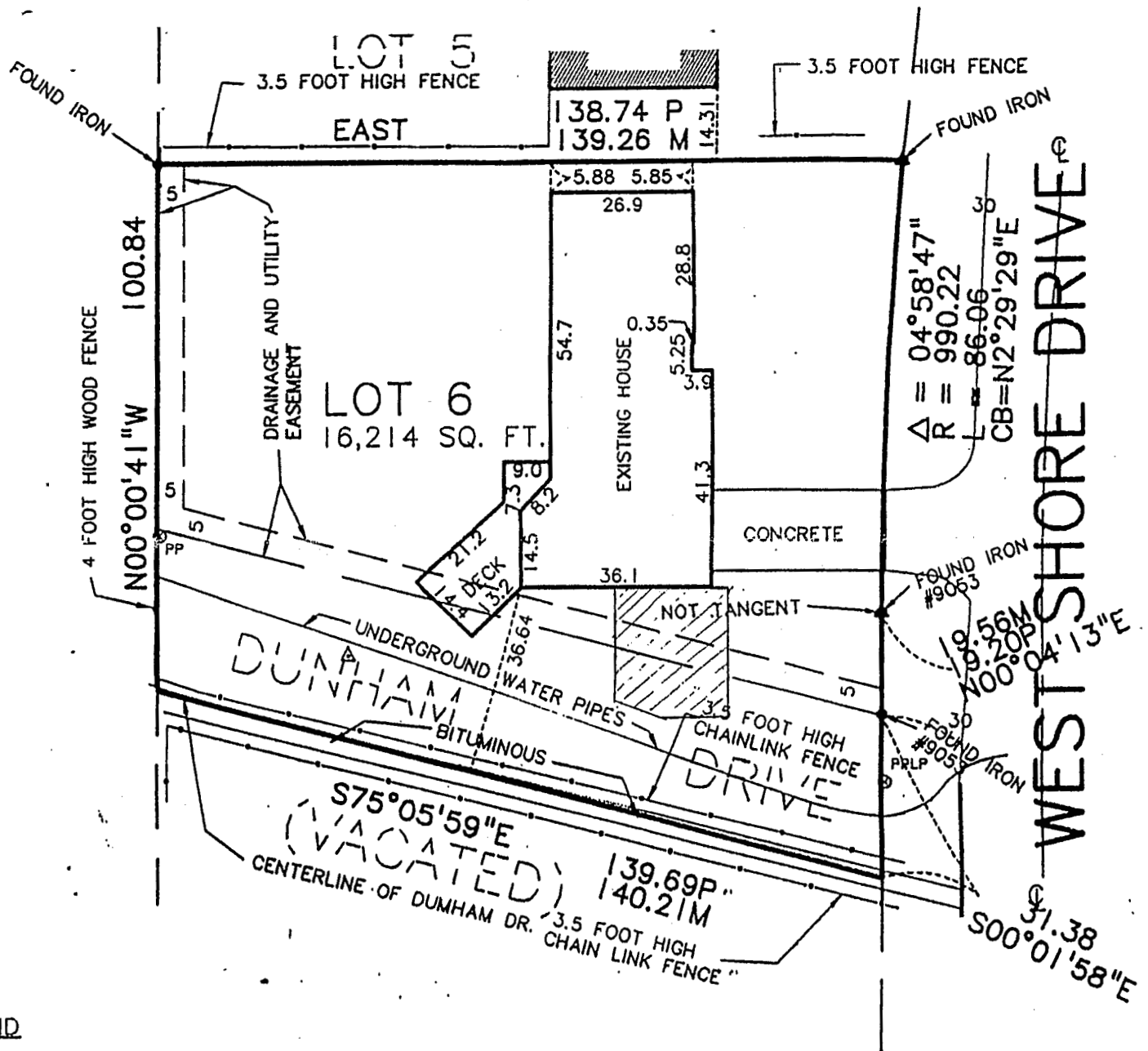
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**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

11/16/94

title opinion.



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Denotes distance as measured.

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By: Edward H. Sunde  
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Telephone 926-9736

Fee: \$100.00

3800  
M.S. 412.851

Roger Strawn  
Plumline Builders Inc.  
933-8493



## REPORT/RECOMMENDATION

<b>TO:</b>	Mayor & City Council	<b>Agenda Item #</b>	III.A.
<b>FROM:</b>	Francis Hoffman City Engineer <i>FH</i>	<input type="checkbox"/>	Consent
		<b>Information Only</b>	<input type="checkbox"/>
		<b>Mgr. Recommends</b>	<input type="checkbox"/> To HRA
<b>DATE:</b>	5 December, 1994		<input checked="" type="checkbox"/> To Council
<b>SUBJECT:</b>	Vacation of Utility and Drainage Easement - Lot 6, Block 9, South Garden Estates 3rd Addition	<b>Action</b>	<input checked="" type="checkbox"/> Motion
			<input type="checkbox"/> Resolution
			<input type="checkbox"/> Ordinance
			<input type="checkbox"/> Discussion

### Recommendation:

Vacate the easement as requested except for the westerly five feet, and property owner/builder relocates street per NSP request.

### Info/Background:

The property owner has requested a sideyard utility and drainage easement be vacated for the purposes of constructing a garage addition. Staff has reviewed the request and recommends vacation of the easement except for the westerly five feet (back lot line easement as shown as cross-hatching on attached drawing). Also, staff recommends that the street light be moved per NSP request so that the power line will not be over the new garage addition.



Denotes powerpole .  
Denotes powerpole/lightpole  
Denotes distance per plat of SOUTH  
GARDEN ESTATES 3RD ADDITION.  
Denotes distance as measured.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, from or on said land.

Dated this 27th day of October , 1994

SUNDE LAND SURVEYING, INC.

By: Edward H. Sunde  
Edward H. Sunde, R.L.S. Minn. Reg. No. 8

9001 E. Bloomington Freeway (35W)  
Bloomington, MN 55420  
(612) 881-2455



## AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

SS.

COUNTY OF HENNEPIN)

Donald W. Thurlow, being duly sworn on an oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Sun-Currents, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for two successive weeks; it was first published on Wednesday the 16 day of Nov, 19 94, and was thereafter printed and published on every Wednesday to and including Wednesday, the 23 day of November, 19 94; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: Donald W. Thurlow

TITLE: Publisher

Acknowledged before me on this

23 day of November, 19 94.

Notary Public

Meridel M. Hedblom  
MERIDEL M. HEDBLOM  
NOTARY PUBLIC - MINNESOTA  
HENNEPIN COUNTY  
My Commission Expires July 16 1999

### RATE INFORMATION

- |  |                         |
|--|-------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$ <u>1.70</u> per line |
| (2) Maximum rate allowed by law for the above matter                     | \$ <u>1.70</u> per line |
| (3) Rate actually charged for the above matter                           | \$ <u>96¢</u> per line  |

### City of Edina

(Official Publication)

CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55434

### NOTICE OF PUBLIC HEARING ON VACATION OF UTILITY AND DRAINAGE EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on December 5, 1994, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following utility and drainage easement:

The southern 5 feet of Lot 6, Block 9,  
SOUTH GARDEN ESTATES 3RD ADDITION,  
Hennepin County, Minnesota.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL  
MARCELLA M. DAEHN, City Clerk  
(Nov. 16 & 23, 1994)-ED

(Official Publication)

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
ON VACATION OF UTILITY AND DRAINAGE EASEMENT  
IN THE CITY OF EDINA  
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on December 5, 1994, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following utility and drainage easement:

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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on November 16 and 23, 1994  
Send two Affidavits of Publication

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF POSTING NOTICE

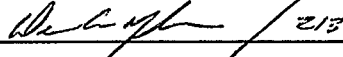
I, the undersigned duly appointed and acting Police Officer for the City of Edina, County of Hennepin, State of Minnesota, do hereby certify that I have on this date posted copies of the attached notice of:

NOTICE OF PUBLIC HEARING - VACATION OF UTILITY AND DRAINAGE EASEMENT  
DECEMBER 5, 1994 - LOT 6, BLOCK 9, SOUTH GARDEN ESTATES 3RD ADDITION

at each of the official City bulletin boards, located at conspicuous places within the City as follows:

- 1) City Hall, 4801 West 50th Street
- 2) Municipal Liquor Store, 50th and France Business Area
- 3) Centennial Lakes Park Centrum, 7499 France Avenue South

Dated 11/14/94

Signed  / 213

Signed and sworn to before me, a Notary Public  
in and for Hennepin County, Minnesota, this  
16th day of November, 1994.





City of Edina

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

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**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

11/16/94

1/1/74

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date November 16, 19 94, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - Vacation of Utility/Drainage Easement (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least 14 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and seal of said City this 16th day of  
November, 19 94.



Edina City Clerk



City of Edina

**CITY OF EDINA  
4801 WEST 50TH STREET  
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING  
ON VACATION OF UTILITY AND DRAINAGE EASEMENT  
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**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

11/16/94

**MAILING LIST - VACATION OF UTILITY/DRAINAGE EASEMENT  
LOT 6, BLOCK 9, SOUTH GARDEN ESTATES 3RD ADDITION**

31-28-24-21-0108    David and Jane Melroe  
7120 West Shore Dr  
Edina MN 55435

31-28-24-21-0107    J.W. & M.E. Tauer  
7116 West Shore Dr  
Edina MN 55435

31-28-24-21-0109    Donald McCullough  
7200 West Shore Dr  
Edina MN 55435

31-28-24-22-0083    Paul & Mary Hamann  
4700 Aspasia Circle  
Edina MN 55435

31-28-24-22-0084    Douglas Jones  
4701 Aspasia Circle  
Edina MN 55435

Steven Von Bargaen  
Minnegasco, Inc  
P.O. Box 1165  
Minneapolis MN 55440-1165

Mark Kerssen  
Paragon Cable  
10210 Crosstown Circle  
Eden Prairie MN 54434-3377

Stuart E. Fraser  
NSP Normandale Division  
5309 W. 70th Street  
Edina MN 55435

Steven Van Anman  
U.S. West Communications  
6244 Cedar Avenue So.  
Richfield MN 55423



**CITY OF EDINA  
4801 WEST 50TH STREET  
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**BY ORDER OF THE EDINA CITY COUNCIL**

Marcella M. Daehn, City Clerk

11/16/94

(Official Publication)

**CITY OF EDINA  
4801 WEST 50TH STREET  
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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on November 16 and 23, 1994  
Send two Affidavits of Publication



CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

PUBLIC RIGHT OF WAY VACATION APPLICATION

Date Initiated 10-26-94

TOTAL 100.00

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way:

☐ Street ☐ Alley ☒ Utility Easement 11/02/94  
☒ Drainage Easement ☐ Other \_\_\_\_\_  
(describe)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? NO

Legal description of area proposed to be vacated:

Southern 5' OF Lot 6, Block 9,  
South Garden Estates 3rd Addition,  
Henri City, Mo.

Attached copy of scaled drawing showing in full detail the proposed vacation area.

Applicant DAVID + Jane Melroe  
(print name)

Signature [Signature] Jane M. Melroe

Address 7120 W. Shore Drive  
Edina, Mn.

Telephone 926-9736

Fee: \$100.00

3800  
M.S. 412.851

Roger Strawn  
Plumbing Builders Inc.  
933-8493

11/14/94

Utility / Drainage Easement Vacation for  
Lot 6, Blk 9, South Garden Estates 3rd Addition  
(7120 West Shore Drive)

Need PID number + owner's name / address  
for all abutting properties + PID # for  
applicant also

31-28-24-21-108 David & Jane Melroe 7120 W. Shore<sup>Dr.</sup>  
107 J.W. & M.E. Tauer 7116 W. Shore Dr.  
109 Donald McCullough 7200 W. Shore<sup>Dr.</sup>

31-28-24-22-83 Paul & Mary Hamann 4700 Aspasia<sup>Cr.</sup>  
84 Douglas Jones 4701 Aspasia Cr.



## REPORT/RECOMMENDATION

<b>TO:</b> MAYOR AND COUNCIL	Agenda Item # <u>V.G</u>
<b>FROM:</b> MARCELLA DAEHN, CLERK	Consent <input checked="" type="checkbox"/>
<b>DATE:</b> NOVEMBER 7, 1994	Information Only <input type="checkbox"/>
<b>SUBJECT:</b>	Mgr. Recommends <input type="checkbox"/> To HRA
	<input type="checkbox"/> To Council
	Action <input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Resolution
	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Discussion
PETITION FOR VACATION OF UTILITY/DRAINAGE EASEMENT - LOT 6, BLOCK 9, SOUTH GARDEN ESTATES 3RD ADDITION (7120 W. SHORE DRIVE)	

### Recommendation:

Adoption of a resolution setting December 5, 1994, as hearing date on the petition for vacation of a utility/drainage easement on Lot 6, Block 9, SOUTH GARDEN ESTATES 3RD ADDITION.

### Info/Background:

A petition has been received with the City requesting vacation of a utility/drainage easement on Lot 6, Block 9, SOUTH GARDEN ESTATES 3RD ADDITION, located at 7120 West Shore Drive.

Staff would recommend that December 5, 1994, be set as hearing date to consider the petition. Copy of petition is attached.

CITY OF EDINA  
4801 W. 50TH STREET  
EDINA, MINNESOTA 55424

PUBLIC RIGHT OF WAY VACATION APPLICATION

Date Initiated 10-26-94

TOTAL 100.00

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☒ Drainage Easement ☐ Other \_\_\_\_\_  
(describe)

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Legal description of area proposed to be vacated:

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South Garden Estates 3rd Addition,  
Henri City, Mo.

Attached copy of scaled drawing showing in full detail the proposed vacation area.

Applicant DAVID + Jane Melroe  
(print name)  
Signature [Signature] Jane M. Melroe  
Address 7120 W. Shore Drive  
Edina, Mn.  
Telephone 926-9736

Fee: \$100.00

3800  
M.S. 412.851

Roger Strawn  
Plumber Builders Inc.  
933-8493

# B Land Surveying Inc.

9001 E. Bloomington Freeway (35W)  
Bloomington, MN 55420  
(612) 881-2455

23 S.31 DBP 94259002DWG

Denotes powerpole  
Denotes powerpole/lightpole  
Denotes distance per plat of SOUTH  
GARDEN ESTATES 3RD ADDITION.  
Denotes distance as measured.

## LEGEND

We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, from or on said land.

Dated this 27th day of October, 1994

SUNDE LAND SURVEYING, INC.

By: *Edward H. Sunde*

Edward H. Sunde, R.L.S. Minn. Reg. No. 3

